

11-184 KLOECKNER V. SOLIS

DECISION BELOW: 639 F.3d 834

LOWER COURT CASE NUMBER: 10-2048

QUESTION PRESENTED:

The Merit Systems Protection Board (MSPB) is authorized to hear appeals by federal employees regarding certain adverse actions, such as dismissals. If in such an appeal the employee asserts that the challenged action was the result of unlawful discrimination, that claim is referred to as a "mixed case." The Question Presented is:

If the MSPB decides a mixed case without determining the merits of the discrimination claim, is the court with jurisdiction over that claim the Court of Appeals for the Federal Circuit or a district court?

CERT. GRANTED 1/13/2012